

REMARKS

Claims 1-29 are cancelled.

Claims 30-46 are pending.

Claims 30-46 are rejected.

The office action dated 28 April 2008 indicates that method claims 30-40 and 45 are rejected under 35 USC §101 for reciting nonstatutory subject matter.

This rejection has been rendered moot by the amendment above to base claim 30, which now recites that a web site is hosted by a server and images are processed by a computer. Because method claim 30 is now tied to statutory subject matter (a computer and server), it passes the “machine-or-transformation” test for subject matter eligibility of a claimed process as set forth in *In re Bilski*. Therefore, the ‘101 rejection of claims 30-40 and 45 should be withdrawn.

The office action indicates that claims 42-44 and 46 are also rejected under 35 USC §101 for reciting nonstatutory subject matter. Page 3 of the office action alleges that claims recite “a step like a method claim” and recite no structure. Page 4 alleges that claims 42-44 and 46 recite a single means.

We respectfully disagree with both allegations. Regarding the first allegation, the preamble of claim 42 recites a system, not a method. The body of claim 42 recites at least one server.

Regarding the second allegation, claim 42 does not recite means-plus-function language. Please see MPEP 2181, which sets forth a three-prong analysis to determine whether a claim recites means-plus-function language. MPEP 2181 expressly states “[w]ith respect to the first prong of this analysis, a claim element that does not include the phrase “means for” or “step for” will not be considered to invoke 35U.S.C. 112, sixth paragraph.” Moreover, claim 42 recites structure (at least one server). Thus, the second allegation is not supported by MPEP 2181.

Claims 42-44 and 46 recite statutory subject matter. Therefore, the '101 rejection off claims 42-44 and 46 should be withdrawn.

The office action indicates that claims 30-46 are rejected under 35 USC §112, first paragraph, as failing to comply with the written description requirement. The office action alleges that the feature “wherein the correlated images have been processed to be spatially matched and spectrally corrected” was not described in the present application.

We respectfully disagree with the allegation. Attention is directed to paragraph 38 of the specification:

[0038] The image data product that a customer desires might require a correlation of images from a plurality of satellites. An example correlation system and process are described in copending U.S. patent application Ser. No. 10/721,212, attorney docket number BOEI-1-1179, filed Nov. 25, 2003, which is hereby incorporated by reference.

US Serial No. 10/721,212 is incorporated by reference and, therefore, is part of the present application. US Serial No. 10/721,212 claims and describes embodiments of a correlation system and process that include “spatially matching images produced by different sensors; and spectrally correcting one or more of the spatially matched images based on one or more of the other images.”

Please see U.S. Patent Application 20050111756, which is the Pre-Grant Publication of US Serial No. 10/721,212. Paragraph 16 of the Pre-Grant Publication states that Figure 3 illustrates “an exemplary process 130 spatially matches images produced by a sensor (the block 82 of FIG. 2).” Paragraph 15 states “[a]t a block 90, the spatially matched images from the different sensors are radiometrically matched. Radiometric matching is described in FIG. 6 below.” According to paragraph 34, block 216 produces a correction factor, which is applied to lower resolution images.

Thus, the specification provides clear support for the added subject matter. Therefore, the '112 rejection of claims 30-46 should be withdrawn.

The Examiner is strongly encouraged to contact the undersigned to discuss any remaining issues prior to mailing another office action.

Respectfully submitted,

/Hugh Gortler #33890/

Hugh P. Gortler

Reg. No. 33,890

(949) 454-0898

Date: July 28, 2009